



MEMO ENDORSED

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

May 29, 2024

Honorable Victoria Reznik
United States Magistrate District Judge
United States District Court, United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: *Marc Douglas v. City of Peekskill et al.*
21-10644 (KMK)
Response to Plaintiff's letter seeking to compel a deposition in lieu of a declaration from
non-party witness Darcy Rydlun

Dear Judge Reznik,

This office represents Non-Party County of Westchester and we write in response to Plaintiff counsel's letter dated today seeking to compel the County to comply with the Court's Order dated April 17, 2024. Specifically, Plaintiff seeks dates to depose former ADA Darcy Rydlun. As per Your Honor's directive, the parties have been attempting to draft a declaration for Ms. Rydlun which is acceptable to all in lieu of a remote deposition. Plaintiff's counsel has attempted to paint a picture of noncompliance by this office in connection with the multiple drafts of a declaration that have been circulating. However, he neglects to mention in his letter the most recent email correspondence on May 22, 2024 from the undersigned in which I asked him what it is exactly that he was looking to include. In response, on May 22, 2024, Plaintiff's counsel simply stated that the multiple drafts he circulated with neutral language "didn't seem to work for defendants."

The multiple drafts had to be reviewed by my office and with former ADA Rydlun. On May 22, 2024, Plaintiff's counsel admitted that there was "good faith efforts of all involved." That being said, we will attempt to find a mutually convenient date for a remote deposition of Ms. Rydlun who has no "independent recollection of the case."

Given the County's representation that they "will attempt to find a mutually convenient date for a remote deposition of Ms. Rydlun," the Court denies as moot Plaintiff's request (ECF No. 153) for an order to direct the County to comply with this court's April 12 Order.

However, by 6/7/24, the parties shall submit a letter to the Court confirming that the deposition has been scheduled and stating the date of the scheduled deposition.

The Clerk of Court is directed to close out ECF No. 153.

Dated: 5/30/24 SO ORDERED.

A handwritten signature in black ink, appearing to read "Victoria Reznik".

Hon. Victoria Reznik, U.S.M.J.